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APPLICATION NO. 087 342 537	FILING DATE 10/32/97	FIRST NAMED INVENTOR NOV 06 98	ATTORNEY DOCKET NO. JCN-001
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MATTHEW F BYRNE
FISH AND NEAVE
1251 AVENUE OF THE AMERICAS
NEW YORK NY 10020-1104

MM51/0323

EXAMINER LEE, M

ART UNIT 2575	PAPER NUMBER
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DATE MAILED: 03/23/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/942,957

Applicant(s)
John C. NOVOGROD

Examiner
MICHAEL G. LEE

Group Art Unit
2876



- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-58 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☐ Claim(s) _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claims 1-58 are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Serial Number: 08/942,957
Art Unit: 2876

Applicant(s): John C. NOVOGROD (235,379)
Representative: Matthew T. Byrne (40,934)

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Part III DETAILED ACTION

Election/Restriction

1
2 1. This application contains claims directed to the following patentably distinct species of the
3 claimed invention:

4 Group I: Figures 2-8, drawn to a specific structural limitation of a portable hand-held
5 negotiable instrument dispenser.

6 Group II: Figure 10, drawn to the specific of a fixed location negotiable instrument
7 dispenser.

8 Group III: Figure 14, drawn to a specific structural limitation of a system and method of
9 requesting and means for dispensing a negotiable instrument by means of utilizing a dual tone
10 multi-frequency tone.

11 Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for
12 prosecution on the merits to which the claims shall be restricted if no generic claim is finally held
13 to be allowable. Currently, no claim appears generic.

14 Applicant is advised that a response to this requirement must include an identification of
15 the species that is elected consonant with this requirement, and a listing of all claims readable
16 thereon, including any claims subsequently added. An argument that a claim is allowable or that
17 all claims are generic is considered nonresponsive unless accompanied by an election.

18 Upon the allowance of a generic claim, applicant will be entitled to consideration of claims
19 to additional species which are written in dependent form or otherwise include all the limitations

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1 of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election,
2 applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

3 Should applicant traverse on the ground that the species are not patentably distinct,
4 applicant should submit evidence or identify such evidence now of record showing the species to
5 be obvious variants or clearly admit on the record that this is the case. In either instance, if the
6 examiner finds one of the inventions unpatentable over the prior art, the evidence or admission
7 may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

8 2. Applicant is advised that the response to this requirement to be complete must include an
9 election of the invention to be examined even though the requirement be traversed (37
10 CFR 1.143).

11 3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the
12 inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently
13 named inventors is no longer an inventor of at least one claim remaining in the application. Any
14 amendment of inventorship must be accompanied by a diligently-filed petition under 37
15 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

16
17 **Conclusion**

18 4. Any inquiry concerning this communication or earlier communications from the examiner
19 should be directed to **Michael G. Lee** whose telephone number is (703) 305-3503. The examiner
20 can normally be reached between the hours of 6:30AM to 4:00PM Monday thru Thursday and
21 every other Friday (first Friday of the bi-week).

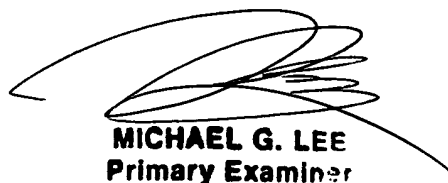
1 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,
2 Donald T. Hajec, can be reached on (703) 308-4075. The fax phone number for this Group is
3 (703)308-5841 or (703) 308-7722.

4 Communications via Internet e-mail regarding this application, other than those under 35
5 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be
6 addressed to [michael.lee@uspto.gov].

7 All Internet e-mail communications will be made of record
8 in the application file. PTO employees do not engage in Internet
9 communications where there exists a possibility that sensitive
10 information could be identified or exchanged unless the record
11 includes a properly signed express waiver of the confidentiality
12 requirements of 35 U.S.C. 122. This is more clearly set forth in
13 the Interim Internet Usage Policy published in the Official
14 Gazette of the Patent and Trademark on February 25, 1997 at 1195
15 OG 89.

16 Any inquiry of a general nature or relating to the status of this application or proceeding
17 should be directed to the Group receptionist whose telephone number is (703) 308-0956.

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MICHAEL G. LEE
Primary Examiner

MARCH 22, 1999